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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of:

Group Art Unit: 2126

Examiner: H. N. PATEL

Balijeet S. Baweja et al.

Intellectual Property

Serial No: 09/589,799

Law Department - 4054

Filed: 06/08/2000

International Business

Title: AN INTERACTIVE DATA

Machines Corporation

HROCESSOR CONTROLLED DISPLAY

11400 Burnet Road

INTERFACE FOR TRACKING OF

Austin, Texas 78758

ALLOCATED MESSAGES IN A

Customer No. 32,329

DYNAMIC WORKLOAD BALANCING

COMMUNICATION SYSTEM

Date:

1/02/06

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2154 at telephone number 571-273-8300, and to the attention of Examiner H. N. Patel in the latest of t

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents P.O.Box 1450 Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed

In the Answer, the Examiner makes some new arguments which Applicants need to briefly address. The Examiner notes that Applicants' Brief contains no statement as to

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whether the grouping of the claims stand or fall together.

It is Applicants understanding that such a statement in the Brief is no longer required under the recently changed Appeal Rules.

At various points in the Answer, the Examiner contends that Applicants have described their invention in terms not included in claims. Applicants concede that they may have described the invention in terms not in the claims. However, such terminology is permissible if used to provide a background as to the problems involved which led to the invention. The Brief did clearly set forth the elements of the claimed invention which the combination of art applied by Examiner failed to suggest:

claim 1 means for requesting the performance of a data processing transaction.

a server computer for said distributing said transaction into a plurality of messages and allocating said messages to different computer systems.

a server queue associated with said server computer for storing the plurality of messages from the distributed transaction, and

user interactive display means for <u>displaying said</u>

queue of allocated messages and associated computer

systems." (underlining provided)

The combination of the Tobe and Kitagawa patents failed to suggest the combination of the underlined elements. The Examiner took judicial notice that it was known to store messages to be displayed in a queue. Applicants submit that queues in general are known in the art. However, what is waknown in the art is the Applicants' recognized problem of the difficulty of tracking allocated messages in workload AVS920000863US1

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distribution systems which are lost or delayed, and Applicants' novel solution of storing all messages distributed and allocated by the server in a server queue which the user is enabled to display. "Official Notice" should not be permitted to obviate this whole point of invention. Thus, Applicants' invention is not just storing messages waiting to be displayed in a queue. The invention involves the recognition of the need for a display and a supporting queue of allocated messages at the distributing server.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 3-7, 9-12, and 14-17 be found to be in condition for allowance.

Respectfully submitted,

B. Kraft

ttorney for Applicants egistration No. 19,226

(\$12) 473-2303

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

Jeffrey S. LaBaw IPLaw Dept. - IMAD 4054 IBM Corporation 11400 Burnet Road Austin, Texas 78758

AUS920000863US1

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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 2126

Examiner: H. N. PATEL

Halijeet S. Baweja et al.

Intellectual Property

Serial No: 09/589,799

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PAGE 5/10 * RCVD AT 1/2/2006 4:23:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:512 473 8803 * DURATION (mm-ss):09-14

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user interactive display means for <u>displaying said</u>

<u>nueue of allocated messages and associated computer</u>

<u>systems</u>." (underlining provided)

The combination of the Tobe and Kitagawa patents failed to suggest the combination of the underlined elements. The Examiner took judicial notice that it was known to store messages to be displayed in a queue. Applicants submit that queues in general are known in the art. However, what is unknown in the art is the Applicants' recognized problem of the difficulty of tracking allocated messages in workload AUS920000863US1

PAGE 6/10 * RCVD AT 1/2/2006 4:23:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:512 473 8803 * DURATION (mm-ss):09-14

distribution systems which are lost or delayed, and Applicants' novel solution of storing all messages distributed and allocated by the server in a server queue which the user is enabled to display. "Official Notice" should not be permitted to obviate this whole point of invention. Thus, Applicants' invention is not just storing messages waiting to be displayed in a queue. The invention involves the recognition of the need for a display and a supporting queue of allocated messages at the distributing server.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 3-7, 9-12, and 14-17 be found to be in condition for allowance.

Respectfully submitted,

B. Krafy

Attorney for Applicants Registration No. 19,226

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11400 Burnet Road
Austin, Texas 78758

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 2126

Examiner: H. N. PATEL

Balijeet S. Baweja et al.

Intellectual Property

Serial No: 09/589,799

Law Department - 4054

#11ed: 06/08/2000

International Business

Title: AN INTERACTIVE DATA

Machines Corporation

PROCESSOR CONTROLLED DISPLAY

11400 Burnet Road

INTERFACE FOR TRACKING OF

Austin, Texas 78758

ALLOCATED MESSAGES IN A

Customer No. 32,329

LYNAMIC WORKLOAD BALANCING

COMMUNICATION SYSTEM

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted vi Decsimile to USPTO, Group Art Unit 2154 at telephone number 571-273-8300, and to the attention of Examiner H. N. Patel

> REPLY BRIEF ON APPEAL BEFORE THE BOARD OF APPEALS AND INTERFERENCES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SIr:

This is a Reply Brief to the Examiner's Answer mailed November 3, 2005.

In the Answer, the Examiner makes some new arguments which Applicants need to briefly address. The Examiner hotes that Applicants' Brief contains no statement as to

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whether the grouping of the claims stand or fall together. It is Applicants understanding that such a statement in the Brief is no longer required under the recently changed Appeal Rules.

At various points in the Answer, the Examiner contends that Applicants have described their invention in terms not included in claims. Applicants concede that they may have described the invention in terms not in the claims. However, such terminology is permissible if used to provide a background as to the problems involved which led to the invention. The Brief did clearly set forth the elements of the claimed invention which the combination of art applied by Examiner failed to suggest:

claim 1 ... means for requesting the performance of a data processing transaction.

a server computer for said distributing said transaction into a plurality of messages and allocating said messages to different computer systems,

a server queue associated with said server computer for storing the plurality of messages from the distributed transaction, and

user interactive display means for <u>displaying said</u>

queue of allocated messages and associated computer

exstems." (underlining provided)

The combination of the Tobe and Kitagawa patents failed to suggest the combination of the underlined elements. The Examiner took judicial notice that it was known to store messages to be displayed in a queue. Applicants submit that queues in general are known in the art. However, what is maknown in the art is the Applicants' recognized problem of the difficulty of tracking allocated messages in workload.

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distribution systems which are lost or delayed, and Applicants' novel solution of storing all messages distributed and allocated by the server in a server queue which the user is enabled to display. "Official Notice" should not be permitted to obviate this whole point of invention. Thus, Applicants' invention is not just storing messages waiting to be displayed in a queue. The invention involves the recognition of the need for a display and a supporting queue of allocated messages at the distributing server.

Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 3-7, 9-12, and 14-17 be found to be in condition for allowance.

Respectfully submitted,

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